

Presented by Deb Butler, Legal Counsel, Legislative Audit Division  
and First Judicial Advice Clinic founding member

Public Law Section of the Montana State Bar  
Nov. 17, 2015, Montana Supreme Court Courtroom  
1 ethics CLE

# **PRO BONO RESPONSIBILITIES & OPPORTUNITIES**

# SCOPE OF REPRESENTATION

## ✕ Full Scope Representation

### + Pro Bono

- ✕ Legal assistance from a lawyer to a person who cannot otherwise afford to pay the regular fee

### + Reduced Fee

- ✕ “Modest Means” – legal assistance provided on a sliding scale, based on financial situation

## ✕ Limited Scope Representation

### + Legal assistance with a specific task(s)

- ✕ Legal advice
- ✕ Document preparation/review
- ✕ Limited court appearances
- ✕ Clearly defined specific task(s) agreed upon with client

# PRO BONO REPRESENTATION – TIER 1

## ✕ Rule 6.1 Pro Bono Publico Service

+ Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should render at least fifty (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

✕ (a) provide a substantial majority of the fifty (50) hours of legal services without fee or expectation of fee to:

★ (1) persons of limited means; or

★ (2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and



# PRO BONO REPRESENTATION – TIER 2

- + (b) provide additional services through:
  - × (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

# PRO BONO REPRESENTATION – TIER 2

- ✗ (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
- ✗ (3) participation in activities for improving the law, the legal system or the legal profession. In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means

# PRO BONO OPPORTUNITIES

- ✕ Pro Bono Advice Clinics ([MontanaLawHelp.org](http://MontanaLawHelp.org))
  - + Clients apply and are screened by MLSA
  - + Provides attorneys with malpractice insurance
    - ✕ 1<sup>st</sup> Judicial District Limited Scope Legal Advice Clinic
      - ★ 1-800-666-6899
      - ★ Organized by Pro Bono committee
      - ★ Provides free legal assistance in a 30 minute session to people with limited income who are representing themselves in a civil legal matter
    - ✕ Western Montana Bar Association Legal Advice Clinic
      - ★ 406-240-3548
      - ★ Held monthly
      - ★ Provided free legal assistance to people with limited income seeking help with family law matters, including adoption, guardianship, parenting and dissolution of marriage.



# PRO BONO OPPORTUNITIES

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- ✕ Pro Bono Advice Clinics ([MontanaLawHelp.org](http://MontanaLawHelp.org))
  - + Clients apply and are screened by MLSA
  - + Provides attorneys with malpractice insurance
- ✕ Gallatin Legal Assistance Clinic
  - ★ 406-543-8343, Ext 207
  - ★ Independent program organized by a group of Gallatin County volunteer legal professionals
  - ★ Provides free legal assistance to people with limited income who are representing themselves in family law legal matters

# PRO BONO OPPORTUNITIES

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## ✕ Pro Bono Advice Clinics

- + Clients screened by MLSA

- + Provides attorneys with malpractice insurance

- ✕ Cascade County Law Clinic

  - ★ 406-452-6269

  - ★ Cases are referred for placement on the pro bono waitlist through MLSA

- ✕ Yellowstone Area Bar Association Pro Bono Program

  - ★ 406-248-7113

  - ★ Administered through MLSA



# PRO BONO OPPORTUNITIES

- ✖ Appellate Pro Bono Program
  - + Coordinated by Montana Supreme Court's Pro bono Coordinator (Patty Fain – 406-794-7824 or [pfain@mt.gov](mailto:pfain@mt.gov) ) and the Court's Pro Se Law Clerk (Sally Johnson)
  - + Offer assistance of appellate counsel to a self-represented litigant who meets the financial criteria established by MLSA
- ✖ Direct court appointment
- ✖ Mentoring
  - + Montana Legal Services Association
  - + Montana State Bar
    - ✖ ALPS Attorney Match
- ✖ Mediation
- ✖ Form development
  - + Access to Justice Commission – Standing Committee on Self-Represented Litigants
  - + [scsrl@mt.gov](mailto:scsrl@mt.gov)

# RESOURCES

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- ✕ Montana Legal Services Association

- + <http://www.mtlsa.org>

- + [www.montanaprobono.net](http://www.montanaprobono.net)

- + [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)

- ✕ Online Child Support Calculator

- ✕ <http://bit.ly/MTCSCalculator>

- + Interactive forms

- + Pro Bono Connect – coming soon

- ✕ Innovation grant awarded to expand capacity to provide legal advice, brief service, and create new pro bono opportunities.

# RESOURCES

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## ✕ State Bar Referral

### + Modest means

- ✕ Within 200% of poverty line
- ✕ Referral to program attorneys
- ✕ Once approved, letter to any attorney

### + Limited scope representation & reduced fee categories

## ✕ Pro Bono Policies

- + ([https://courts.mt.gov/cao/ct\\_services/probono/policies](https://courts.mt.gov/cao/ct_services/probono/policies))
  - ✕ Attorney and Firm Pro Bono Policy Models
  - ✕ Montana Government Pro Bono Policies
  - ✕ Federal Pro Bono Policies





*"That's all Folks!"*